



Docketing No. 1391/1275

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	Appeal No. _____
)	
MICHAEL McHALE)	
GEORGE NICHTULA)	
CHRISTINE L. CORRIVEAU)	
WILLIAM WOKAS)	
)	
Serial No. 08/044,240)	Group Art Unit: 1302
)	
Filed: April 7, 1993)	Examiner: C. Sherrer
)	
For: MULTI-PHASE SHEETED)	
CHEWING GUM AND METHOD.)	
AND APPARATUS FOR MAKING))	

APPLICANTS' REPLY TO THE
SUPPLEMENTAL EXAMINER'S ANSWER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants respectfully submit the following
reply to the SUPPLEMENTAL EXAMINER'S ANSWER dated
November 15, 1996. This reply addresses only the
supplemental points raised by the Examiner.

First, the Examiner argues that there is no
basis in the specification for Applicants' assertion
that the first mass contains the second mass on three
sides so that the second mass cannot run or leak
through the product. In response, the specification
states:

The second mass is smaller than the
first mass and is embedded in the
first mass so as to be visible with

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the first mass from the top surface
of the chewing gum (p. 2 lines 6-8)

* * * * *

Referring also to the cross-section
in Figure 2, it can be seen that
this novel chewing gum product
includes a first mass of chewing
gum 13 and a second mass of a
confectionery product 15 which has
a different color from the first
mass and which is embedded in and
visible from the top surface of the
first mass. . . Preferably, the
second mass is not visible from the
bottom surface of the first mass
(p. 5 lines 17-24).

Figure 2 plainly shows a second mass 15
surrounded on three sides (left side, bottom side, and
right side) by a first mass 13. The drawing, taken in
conjunction with the above-quoted passages, plainly
supports Applicants' position. The specification also
teaches the use of chocolate, taffy, marshmallow, etc.
as the second mass. These confections are known to
liquify and run at temperatures typical of molten
chewing gum. Further explanation is not necessary to
ensure an understanding by persons skilled in the art.

The Examiner argues that the specification
does not give temperature profiles of the second masses
as the chewing gum is made. Again, it is well known
that chewing gum in a molten state is hot enough to
melt chocolate, etc. Also, a molten chewing gum
temperature of about 140°F is disclosed at p. 8, line
25, and is hot enough to melt chocolate. Further
discussion of temperature is not necessary.

Finally, the Examiner argues that there is no disclosure of a cooling step to harden the product for cutting. It is well known to persons skilled in the art that molten chewing gum is cooled before being cut. Molten gum is hard to cut. The purpose of the specification is to describe the invention to persons skilled in the art. A detailed explanation of conventional processing techniques, old in the art, is not necessary to achieve this end.

In summary, the invention as claimed is fully supported by the specification.

Respectfully submitted,



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